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SIPDIS

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SUBJECT: DEMOBILIZATION LAW: ARTICLE 61 AND 64 PASS  
COMMITTEE

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Summary  
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1. (SBU) On June 1, the Senate Second Committee and the House Third Committee approved re-inserting articles 61 and 64 into the text of the Justice and Peace Law, which could be debated in the full Congress as early as June 9. Article 61 allows all prisoners to be eligible to reduce their sentences by one tenth. The committees voted to exclude criminals guilty of crimes against liberty, sexual crimes, human rights violations, and drug trafficking. Article 64 makes paramilitarism an act of sedition, which is a political crime. The committees added text specifying that Colombian Law 67, based on the Vienna Convention, would remain active. It states that drug trafficking cannot be a political crime. End summary.

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Article 61 and 64 Approved  
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2. (SBU) In mid-May, the Senate and House plenaries approved appeals to permit committee re-votes on articles 61 and 64 in the Law for Justice and Peace (the articles were rejected during the initial First Committee debate in April). On June 1, the Senate Second Committee (defense, foreign relations, and trade) and the House Third Committee (economics) each approved both articles with minor modifications. (NOTE: Once the plenaries approved the appeals, the head of each house personally selected the committees in which the articles would be reviewed. END NOTE.) Article 61 makes all prisoners eligible to reduce their sentences by one tenth if a judge determines that they have behaved well, agree not to commit future crimes, cooperated with the justice system, and gave reparations to victims. The committees added text to exclude prisoners guilty of crimes against liberty, sexual crimes, human rights violations, and drug trafficking.

3. (SBU) Support for Article 61 has been mixed. Proponents argued that it was unjust to offer reduced sentences to the demobilized without also offering them to all prisoners. The GOC had indicated in April that it was indifferent about the article, but would accept Article 61 if Congress passed it.

4. (SBU) Article 64 states that a clause will be added to the normal criminal code that makes members of paramilitaries guilty of sedition. It states that sedition will carry the same punishment as rebellion, which is a political crime. The committees added two changes: (1) guerrillas are also guilty of sedition. (2) Colombian Law 67, based on the Vienna Convention, will remain active. Law 67 states that drug trafficking cannot be a political crime or connected to a political crime.

5. (SBU) The GOC has insisted that Article 64 is necessary to treat paramilitaries and guerrillas equally under the law and equally eligible for pardon for having belonged to an illegal armed group. The GOC has repeatedly said Article 64 will not make major crimes, including drug trafficking or human rights violations, ineligible for extradition. Opponents, however, have argued that a paramilitary could claim that his major crimes were related to sedition and therefore political crimes and not extraditable under the Constitution. We have urged the GOC to insert language clarifying that serious crimes cannot be connected to political crimes.

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Plenary Debate Next  
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6. (U) Both articles will be re-inserted into the draft text, which could be debated in the full Senate and House as early as June 9. The congressional session ends on June 20, giving the Congress less than three weeks to debate the law, as well as other urgent legislation. Peace Commissioner Restrepo has said that there may not be enough time for Justice and Peace to pass, in which case the GOC would present the draft during the next session which begins on July 20. Under Colombian law, debate on Justice and Peace, as ordinary legislation, may carry over to the subsequent Congressional session.

WOOD